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DIERKER & ASSOCIATES, P.C.

Patents, Trademarks and Copyrights

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FACSIMILE TRANSMISSION

DATE: April 19, 2004

OUR REFERENCE: UMI-107 B (UM-1806p1))

TO: USPTO

FAX NO.: 1-703-872-9306

FROM: Julia Church Dierker

RE: U.S. Patent Application S.N. 10/624,261

PAGES TO FOLLOW: -22 -

MESSAGE: Certificate of Facsimile Transmission; Second Submission of Response to Notice to File Missing Parts; copy of the Auto-Reply Facsimile Transmission dated January 28, 2004; Second Submission of Information Disclosure Statement and Form PTO-1449 as filed February 11, 2004 and copy of the Auto-Reply Facsimile Transmission dated February 11, 2004 attached.

THE INFORMATION CONTAINED IN THIS FACSIMILE IS ATTORNEY PRIVILEGED AND/OR CONFIDENTIAL AND IS INTENDED ONLY FOR THE NAMED RECIPIENT. If you have received this communication in error, please notify us immediately. You are hereby notified that any dissemination, distribution or copying of this information is strictly prohibited. Thank you.

This message was transmitted by Sherri. If all pages are not received or are illegible, please contact sender at (248) 649-9900.

Please respond to:
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() Please call to confirm receipt
(X) Original will not follow
() Original will follow by:
_____ Regular Mail
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Our Reference: UMJ-107-B (1806p1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cherry T. Thomas et al.
Serial No. 10/624,261
Filing Date: 07/22/2003
Examiner/Art Group: Unknown/Unknown
Title: INTERNAL MARKER DEVICE FOR IDENTIFICATION
OF BIOLOGICAL SUBSTANCES

CERTIFICATE OF FACSIMILE TRANSMISSION

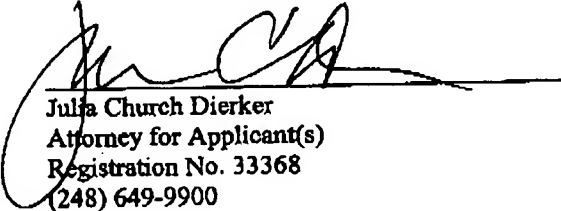
Mail Stop Missing Parts
Commissioner for Patents
P.O. Box. 1450
Alexandria, VA 22313-1450

Sir:

Transmitted with this document is a Second Submission of Response to Notice to File Missing Parts of Application - Filing Date Granted; a copy of the Response to Notice to File Missing Parts of Application - Filing Date Granted as filed January 28, 2004; a copy of the Auto-Reply Facsimile Transmission dated January 28, 2004; Second Submission of Information Disclosure Statement and Form PTO-1449 as filed February 11, 2004 and a copy of the Auto-Reply Facsimile Transmission dated February 11, 2004.

X Please charge any deficiency or credit any excess in the fees to Deposit
Account Number 50-2100.

I hereby certify that this correspondence is being transmitted by facsimile (703) 872-9306 to
Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on April 19, 2004.


Julia Church Dierker
Attorney for Applicant(s)
Registration No. 33368
(248) 649-9900

DIERKER & ASSOCIATES, P.C.
3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48064-2813
JCD/slc

Our Reference: UMJ-107-B (1806p1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
CENTRAL FAX CENTER

Applicants: Cherry T. Thomas et al.

APR 21 2004

Serial No. 10/624,261

Filing Date: 07/22/2003

Examiner/Art Group: Unknown/Unknown

Title: INTERNAL MARKER DEVICE FOR IDENTIFICATION
OF BIOLOGICAL SUBSTANCES

**SECOND SUBMISSION OF RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION - FILING DATE GRANTED**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box. 1450
Alexandria, VA 22313-1450

OFFICIAL

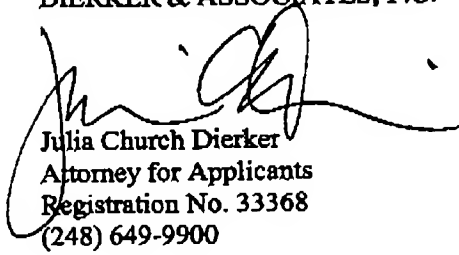
Sir:

Applicants submit that a Response to Notice to File Missing Parts of Application - Filing Date Granted was timely filed on January 28, 2004 via facsimile in response to the Notice to File Missing Parts of Application - Filing Date Granted dated November 28, 2003 and was properly received by the U.S. Patent and Trademark Office as indicated by the attached "Auto-Reply Facsimile Transmission." A copy of the Response as filed is also attached.

Applicants request that the Response be entered.

Respectfully submitted,

DIERKER & ASSOCIATES, P.C.



Julia Church Dierker
Attorney for Applicants
Registration No. 33368
(248) 649-9900

3331 W. Big Beaver Road, Suite 109
Troy, Michigan 48084-2813
Dated: April 19, 2004
JCD/slc

Auto-reply fax to 2486499922 COMPANY:

Auto-Reply Facsimile Transmission



TO: Fax Sender at 2486499922

Fax Information
 Date Received: 1/28/2004 10:30:13 AM (Eastern Standard Time)
 Total Pages: 12 (Including cover page)

ADVISORY: This is an automatically generated return receipt confirmation of the facsimile transmission received by the Office. Please check to make sure that the number of pages listed as received in Total Pages above matches what was intended to be sent. Applicants are advised to retain this receipt in the unlikely event that proof of this facsimile transmission is necessary. Applicants are also advised to use the certificate of facsimile transmission procedures set forth in 37 CFR 1.8(a) and (b), 37 CFR 1.6(f). Trademark Applicants, also see the Trademark Manual of Examining Procedure (TMEP) section 306 et seq.

Received
 Cover
 Page

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01/29/2004 11:46 2486499922

PAGE 01

Our Reference: UDAI-107B (1806p1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cherry T. Thomas et al.
 Serial No. 10/624,281
 Filing Date: 07/22/2003
 Examiner/Art Group: Unknown/Unknown
 Title: INTERNAL MARKER DEVICE FOR IDENTIFICATION OF BIOLOGICAL SUBSTANCES

CERTIFICATE OF FAX TRANSMITTAL

Mail Stop Missing Parts
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

Transmitted with this document is Response to Notice to File Missing Parts of Application - Filing Date Granted (in duplicate), a copy of the Notice, and three separate executed Combined Declarations and Powers of Attorney.

☒ Charge Deposit Account No. 50-2100 the amount of \$51.00. A duplicate copy of this letter is enclosed.

☒ Please charge any deficiency or credit any excess in the fees to Deposit Account Number 50-2100.

I hereby certify that this correspondence is being transmitted by facsimile (703) 572-9306 to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 28, 2004.

Dennis M. Glassmeyer
 Attorney for Applicant(s)
 Registration No. 31,831
 (248) 649-9900

DIERKER & GLASSMEYER, P.C.
 3331 West Big Beaver Rd., Suite 109
 Troy, Michigan 48064-2813
 DMG/ljo

Our Reference: UMJ-107B (1806p1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cherry T. Thomas et al.
Serial No. 10/624,261
Filing Date: 07/22/2003
Examiner/Art Group: Unknown/Unknown
Title: INTERNAL MARKER DEVICE FOR IDENTIFICATION
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Commissioner for Patents
P.O. Box. 1450
Alexandria, VA 22313-1450

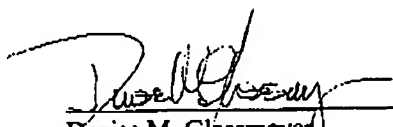
Sir:

Transmitted with this document is Response to Notice to File Missing Parts of Application -
Filing Date Granted (in duplicate), a copy of the Notice, and three separate executed
Combined Declarations and Powers of Attorney.

X Charge Deposit Account No. 50-2100 the amount of \$65.00. A duplicate
copy of this letter is enclosed.

X Please charge any deficiency or credit any excess in the fees to Deposit
Account Number 50-2100.

I hereby certify that this correspondence is being transmitted by facsimile (703) 872-9306 to
Commissioner for Patents, P.O. Box 1450, Alexandria, VA. 22313-1450, on January 28,
2004.


Denise M. Glassmeyer
Attorney for Applicant(s)
Registration No. 31,831
(248) 649-9900

DIERKER & GLASSMEYER, P.C.
3331 West Big Beaver Rd., Suite 109
Troy, Michigan 48064-2813
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Our Reference: UMJ-107B (1806p1)

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Cherry T. Thomas et al.
Serial No. 10/624,261
Filing Date: 07/22/2003
Examiner/Art Group: Unknown/Unknown
Title: INTERNAL MARKER DEVICE FOR IDENTIFICATION
OF BIOLOGICAL SUBSTANCES

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF
APPLICATION - FILING DATE GRANTED**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box. 1450
Alexandria, VA 22313-1450

Sir:

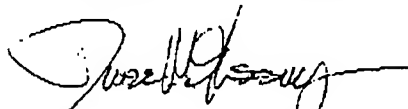
In response to the Notice to File Missing Parts of Application - Filing Date
Granted dated November 28, 2003, Applicants' Attorney hereby encloses the following:
a copy of the Notice and three separate executed Combined Declarations and Powers of
Attorney.

Please charge the \$65.00 surcharge to Deposit Account No. 50-2100
(Dierker & Glassmeyer). Please charge any deficiency or credit any excess in the fees to
Deposit Account No. 50-2100.

A duplicate copy of this Response is enclosed.

Respectfully submitted,

DIERKER & GLASSMEYER, P.C.



Denise M. Glassmeyer
Attorney for Applicants
Registration No. 31,831
(248) 649-9900

3331 W. Big Beaver Road, Suite 109
Troy, Michigan 48084-2813
Dated: January 28, 2004
DMG/ljo



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NUMBER | FILING OR 371 (c) DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|------------------------|-----------------------|------------------------|
| 10/624,261 | 07/22/2003 | Cherry T. Thomas | UMJ-107-B |

29296
JULIA CHURCH DIERKER
DIERKER & GLASSMEYER, P.C.
3331 W. BIG BEAVER RD., SUITE 109
TROY, MI 48084-2813

RECEIVED

CONFIRMATION NO. 7325

FORMALITIES LETTER

DEC - 1 2003



OC000000011368419

DIERKER & GLASSMEYER

Date Mailed: 11/28/2003

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

E. J. Linn

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY

Page 1 of 2

Combined Declaration

Our Reference: UMJ-107-B (UM1806p1)

COMBINED DECLARATION AND POWER OF ATTORNEY**DECLARATION:**

As a below named inventor, I hereby declare that:
 My residence, post office address and citizenship are as stated below next to my name.
 I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INTERNAL MARKER DEVICE FOR IDENTIFICATION OF BIOLOGICAL SUBSTANCES

the specification of which (check only one item below):

☐ is attached hereto.☒ was filed as United States application Serial No. 10/824,261 on 07/22/2003, and was amended on or through _____ (if applicable).☐ was filed as PCT international application Number _____ on _____, and was amended under PCT Article 19 on _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, '1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, '119(a)-(d) or '365(b) of any foreign application(s) for patent or inventor's certificate or '365(a) of any PCT international application(s) which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT International application(s) having a filing date before that of the application on which priority is claimed:

Prior Foreign/PCT Application(s) and any Priority Claims Under 35 U.S.C. '119: Priority Claimed

| (Number) | (Country) | (Day/Mo/Yr Filed) | <input type="checkbox"/> | <input type="checkbox"/> | Yes | No |
|----------|-----------|-------------------|--------------------------|--------------------------|-----|----|
| (Number) | (Country) | (Day/Mo/Yr Filed) | <input type="checkbox"/> | <input type="checkbox"/> | Yes | No |

I hereby claim the benefit under 35 U.S.C. '119(e) of any United States provisional application(s) listed below.

| (Application Number) | (Filing Date) |
|----------------------|---------------|
|----------------------|---------------|

I hereby claim the benefit under Title 35, United States Code, '120 of any United States application(s) or '365(c) of any PCT international application(s) designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application(s) in the manner provided by the first paragraph of Title 35, United States Code, '112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, '1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Prior U.S. Application(s) or PCT International Application(s) Designating the U.S. for Benefit Under 35 U.S.C. '120:

| (Application Serial Number) | (Filing Date) | (Status: patented, pending, abandoned) |
|-----------------------------|-----------------------|--|
| <u>09/539,002</u> | <u>March 30, 2000</u> | <u>Patented, US Pat No. 6,628,862</u> |
| (Application Serial Number) | (Filing Date) | (Status: patented, pending, abandoned) |

POWER OF ATTORNEY:

I hereby appoint the following attorney(s) and/or agent(s) Julia Church Dierker, Patent Office Registration No. 33368, and Denise M. Glassmeyer, Patent Office Registration No. 31831 as my attorney(s) and/or agent(s), to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Send all correspondence to: Julia Church Dierker
 Dierker & Glassmeyer, P.C.
 3331 West Big Beaver Road
 Suite 109
 Troy, Michigan 48064-2813
 Phone: (248) 849-9900

CUSTOMER NO.:29298

Page 2 of 2

Combined Declaration

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor Cherry T. ThomasInventor's Signature Cherry T. Thomas, MDDate 12/22/2003 Citizenship USResidence 2200 Victory Parkway, Apt. 1701, Cincinnati, Ohio 45206Post Office Address (Same as above)Full name of second joint inventor, if any Richard L. WahlInventor's Signature (see separate document)Date _____ Citizenship USResidence 3572 Delhi Overlook, Ann Arbor, Michigan 48103Post Office Address (Same as above)Full name of third joint inventor, if any Susan J. FisherInventor's Signature (see separate document)Date _____ Citizenship USResidence 212 Third Street, Ann Arbor, Michigan 48103Post Office Address (Same as above)

Full name of fourth joint inventor, if any _____

Inventor's Signature _____

Date _____ Citizenship _____

Residence _____

Post Office Address _____